

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PARIS DEMETRIOUS SHIELDS,

Plaintiff,

v.

CAPITAL ONE AUTO FINANCE, *et al.*,

Defendants.

Case No. 1:22-cv-25

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of United States Magistrate Chief Judge Karen L. Litkovitz issued on March 14, 2023 (Doc. 42). The Magistrate Judge recommends that this case be dismissed of prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b), and that the Court certify pursuant to 28 U.S.C. § 1915(a) that an appeal of this Order would not be taken in good faith and therefore deny plaintiff leave to appeal *in forma pauperis*.


In response to the Report and Recommendation, Plaintiff filed a document entitled “UNITED STATES AFFIDAVIT OF Truth and Facts” (Doc. 43), which did not address the Report and Recommendation or articulate any objections thereto. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995) (“The objections must be clear enough to enable the district court to discern those issues that are dispositive and contentious.”). Because no objections have been made, and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court reviews the Report and Recommendation for clear error. *See Fed.R.Civ.P. 72(b)*

advisory committee notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”); *Redmon v. Noel*, No. 1:21-CV-445, 2021 WL 4771259, at *1 (S.D. Ohio Oct. 13, 2021) (collecting cases).

The Court has reviewed the Report and Recommendation and determined that it does not contain clear error. Therefore, the Court **ADOPTS** the Report and Recommendation (Doc. 42) in its entirety. Accordingly, it is hereby **ORDERED** that the Complaint (Doc. 3) be **DISMISSED WITH PREJUDICE** for want of prosecution pursuant to Fed. R. Civ. P. 41(b). It is further ordered that Third Party Defendant Jeff Wyler Colerain II, Inc.’s Motion to Dismiss for Failure to State a Claim (Doc. 27) be **DENIED AS MOOT**. For the reasons stated in the Report and Recommendation and pursuant to 28 U.S.C. § 1915(a), the Court certifies that an appeal of this Order would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to move for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: September 10, 2024


Hon. Jeffrey P. Hopkins
United States District Judge